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J C WRAY

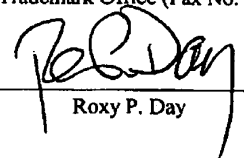
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CERTIFICATE OF TRANSMISSION

I hereby certify that this two-page correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. 571-273-8300)

On 04-02-09
(Date)


Roxy P. Day

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Evans et al.

Art Unit: 3651

Serial No. 10/734,587

Examiner: Rakesh Kumar

Filed: December 15, 2003

For: SINGLE DISPENSING FILM STRIP CONTAINER

REQUEST

To the Director of the Patent and Trademark Office

Sir:

In response to the Office Action mailed February 3, 2009, kindly consider the following:

Kindly withdraw the finality of the office action.

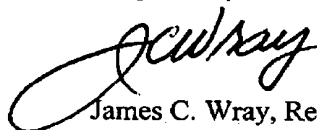
The Examiner has applied a newly cited reference (Lucas) in the rejection of all the claims. However, claims 1, 2, 4-7, 8-10, 15-17 and 20 were not all amended in the Response filed October 6, 2008. The Examiner acknowledges at the bottom of page 3, that the arguments with respect to claims 4-10 and 17 are moot in view of the new rejections, conceding that the other claims are not amended.

The amendment to independent Claims 1 and 15 in the prior Response address the Examiner's 35 U.S.C. 112 rejections in the previous office action but do not change the scope of

the claims. Therefore, citing Lucas in a first action final rejection is in error and unjustly deprives Applicant the opportunity to adequately rebut the rejections and have the arguments and/or amendments entered in the case.

Reconsideration, withdrawal of the finality, and re-issue of a non-final office action are respectfully requested.

Respectfully,



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April 2, 2009